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UNCLAS DUBLIN 001749

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SUBJECT: MARY KELLY GETS A SUSPENDED SENTENCE

REF: DUBLIN 01635

1. Mary Kelly, who was convicted on October 28 of causing \$1.5 million of damage to a US military aircraft, was given a two-year suspended sentence by Judge Carroll Moran at Limerick Circuit Court. Kelly was spared a custodial sentence and given four years probation on the condition that she commits no repeat action and does not come within a one-mile radius of Shannon airport. Judge Carroll Moran said he had a duty to prevent this act from happening again but indicated that in giving her a suspended sentence, he had to take into account that this was her first conviction and she was a "woman of good character." Sources in government say her conviction establishes the principal of wrong doing. The case of the Catholic Workers group, who damaged the same plane several days after Mary Kelly did, will be heard early in 2005. The issue of compensation to the USG for losses will not be addressed until the court case is over.

2. The sentencing was adjourned a number of times at the request of Kelly to consult a new legal team and to prepare for a plea of mitigation.

3. Kelly contended throughout the trial that she had "lawful excuse" for the criminal damage to the aircraft, as her actions were intended to save lives in Iraq. However, Judge Moran said during the trial that this was not a case to "consider the legality of the war in Iraq" and that Kelly's act was "simple vigilantism".

4. The Irish Times reported that the Irish Anti-War Movement (IAWM) said Kelly's treatment was an example of "gross hypocrisy" on the part of the (Irish) Government and the courts. "What is a damaged hunk of steel set against the deaths of tens of thousands of Iraqi civilians who are dead as a result of Bush's war." Richard Boyd Barrett, chairman of the IAWM was reported to say: "It is unbelievable that the state has set out to criminalize Mary Kelly, who hurt nobody and did nothing more than act to try and save human lives." KENNY